



An  
Bord  
Pleanála

# Inspector's Report

## ABP-317534-23

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<b>Development</b>	Proposed development of a facility for water sports activities, requisite external works including provision of access ramps and steps, and all ancillary services at Rosses Point, Co. Sligo
<b>Location</b>	Rosses Point, Co. Sligo
<b>Local Authority</b>	Sligo County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Failte Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21.12.2023
<b>Inspector</b>	Una O'Neill

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## 1.0 Introduction

- 1.1. Sligo County Council is seeking approval from An Bord Pleanála to undertake the construction of a facility centre for water sports activities at Rosses Point in Co. Sligo. The site of the proposed development is 0.12 hectares and is c.3m (at its closest point) from the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627), and c. 425m from the Cummeen Strand SPA. There are several other designated European sites (SPAs and SACs) in the wider area (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Proposed Development

- 2.1. The proposed works constitute the provision of the following:
  - Construction of a 'Facility Centre' for Water Sports Activities, which is a single storey building (185sqm in area) comprising changing rooms, indoor and outdoor showers (heated through solar panels), and WCs. Additional external amenities of outdoor lockers and washdown areas are proposed.
  - Single storey plant building.
  - Construction of requisite external works including provision of access ramps and steps.

- PE storage system and pumping station for greywater to connect to existing pumping station at Rosses Point toilets.
- Site drainage works.
- Landscaping and external seating areas.
- Connection to all ancillary services at Rosses Point, Sligo.

The development is proposed to be connected to the existing foul mains and wastewater pumping system. The foul system will be connected to the Ballyweelin Wastewater Treatment Plant and Pumping Station at Rosses Point toilets to the south.

## 2.2. **Accompanying documents**

The application is accompanied by the following documents:

- Project Explanatory Report – Sligo County Council/Failte Ireland Platforms for Growth – A Programme for Tourism Investment 2019-2025 (June 2023)
- Natura Impact Statement (NIS) (October 2022)
- Environmental Impact Assessment Screening Report – Stage 1 Preliminary Examination (June 2023)
- List of Prescribed Bodies and copies of letters issues
- Construction and Environmental Management Plan (CEMP), June 2023
- Design Drawings
- Site location map
- Site and Newspaper notices

## 3.0 **Site and Location**

- 3.1. The subject site is located west of the village of Rosses Point, Co. Sligo, approx. 146m from the beach. The site is accessed off an access off the R291 and adjoins an existing public car park. There is a pedestrian route from the existing car park to the beach. South along the access road/cul-de-sac, there is a another parking area and a smaller older block of toilets adjoining that parking area.

- 3.2. The site itself is 0.12ha in area and comprises an existing maintained grass area adjoining the public car park and is used unofficially as an overflow car park during busy periods.
- 3.3. In proximity to the site, at the end of the pier to the southwest, is the Sligo Yacht Club. Other amenities proximate to the site include a caravan park to the east and The County Sligo Golf Club, which occupies a large area of land to the east of the beach (between the beach and the village) and to the east and north of the application site.

#### 4.0 **Planning History**

- 4.1. None of relevance.

#### 5.0 **Legislative and Policy Context**

##### 5.1. **The EU Habitats Directive (92/43/EEC):**

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

##### 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:**

These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

##### 5.3. **National nature conservation designations:**

The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. European sites located in proximity to the subject site include:

- Cummeen Strand / Drumcliff Bay (Sligo Bay) SAC and
- Cummeen Strand SPA

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:

The likely effects on the environment.

The likely consequences for the proper planning and sustainable development of the area.

The likely significant effects on a European site.

## 5.6. National Planning Framework

5.6.1. The Project Ireland 2040 National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment, to create and promote opportunities and to protect and enhance the Irish environment. The NPF creates a shared set of goals for every community across the country which are expressed as 10 no. National Strategic Outcomes. The Seventh National Strategic Outcome is "Enhanced Amenity and Heritage", which is described as follows:

"This will ensure that our cities, towns and villages are attractive and can offer a good quality of life. It will require investment in well-designed public realm, which includes public spaces, parks and streets, as well as recreational infrastructure. It also includes amenities in rural areas, such as national and forest parks, activity-based tourism and trails such as greenways, blueways and peatways. This is linked to and must integrate with our built, cultural and natural heritage, which has intrinsic value in defining the character of urban and rural areas and adding to their attractiveness and sense of place."

5.6.2. The objectives listed under this strategic outcome include the following:

- We will conserve, manage and present our heritage for its intrinsic value and as a support to economic renewal and sustainable employment.
- Open up our heritage estates to public access, where possible.
- Invest in and enable access to recreational facilities, including trails networks, designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and provided a wellbeing benefit for all.

## 5.7. National Maritime Planning Framework

5.7.1. The National Maritime Planning Framework (NMPF) sets out the framework for the forward planning and decision-making components of our marine planning system and represents the key consideration for decision makers on all marine authorisations.

5.7.2. In relation to Sport and Recreation, chapter 21 of the NMPF includes objectives to:

- Increase participation in a range of water-based sports and recreation activities for the benefit of public health and wellbeing, as well as developing our tourism offering,
- Protect and enhance unique natural resources which attract visitors (e.g., Blue Flag Beaches and Green Coast Beaches),
- Increase provision of physical activity and recreation amenities in Irelands coastal and marine environment,
- Continue and improve access to marine and coastal resources for tourism activities and sport and recreation,
- Sustainably develop outdoor recreation facilities promoting access for people of all ages, background and abilities, while encouraging sharing of facilities where appropriate. The provision of marine recreational facilities should be considered an integral part of plans specific to coastal locations, including urban and suburban coastal development sites, with due consideration given to the environmental sensitivities of each site, such as increased visitor or infrastructural pressures on the environment.

5.7.3. The following planning policies are also relevant:

**Sport and Recreation Policy 1:** Proposals that promote sustainable development of water-based sports and marine recreation, while enhancing community health, wellbeing and quality of life, should be supported, provided that due consideration is given to environmental carrying capacities and tourism pressures.

**Sport and Recreation Policy 2:** Proposals should demonstrate the following in relation to potential impact on recreation and tourism:



- The extent to which the proposal is likely to adversely impact sports clubs and other recreational users, including the extent to which proposals may interfere with facilities or other physical infrastructure.
- The extent to which any proposal interferes with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety.
- The extent to which the proposal is likely to adversely impact on the natural environment.

**Sport and Recreation Policy 3:** Opportunities to promote inclusive development of water-based sports and marine recreation should be supported, where appropriate and at the applicable scale, with a focus on facilities for people with disabilities.

**Sport and Recreation Policy 4:** Proposals that improve access to marine and coastal resources for tourism activities, and sport and recreation should be supported, where appropriate, at the applicable scale and aligned with existing development plans.

## 5.8. **Regional Spatial and Economic Strategy (Northern and Western Regional Assembly) 2020-2032**

- 5.8.1. The site of the proposed development is in Rosses Point, Co. Sligo, which is within the Northern and Western Regional Assembly (NWRA) area.
- 5.8.2. The RSES contains a wide range of Regional Policy Objectives (RPOs) in support of the NPF objectives. The RSES acknowledges that the sustainable development and promotion of a successful well managed tourism industry is critical to the economy of this region. The RSES takes note of the overall Government policy, as set out in People, Place and Policy: Growing Tourism to 2025. In particular, it takes note of the policy proposal that consideration be given to the contribution that sustainable tourism can make to the protection of heritage assets. The Wild Atlantic Way Touring Route has developed into a Key Strategic National Asset, delivering benefits to the entire western seaboard.
- 5.8.3. The following RPOs are noted:

- RPO 4.1: To support working with relevant landholders and recreational/tourism agencies to increase access to the countryside and our coastal areas, and to ensure maintenance and access to the existing network of trails, paths, ways etc.
- RPO 4.12: Develop the water-based leisure sector in the region in a sustainable manner making the best use of existing and planned infrastructure and resources, in a manner that is sensitive to the natural and cultural heritage resources.

## 5.9. **Climate Action Plan 2023**

5.9.1. This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding.

## 5.9.2. **National Biodiversity Action Plan, 2022**

5.9.3. The Plan sets out actions through which a range of government, civil and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity', and follows on from the work of the first and second National Biodiversity Action Plans. It contains 119 x targeted actions which are underpinned by 7 x strategic objectives which lay out a clear framework for Ireland's national approach to biodiversity, ensuring that efforts and achievements of the past are built upon, while looking ahead to what can be achieved over the next five years and beyond.

## 5.10. **The Planning System and Flood Risk Management, 2009**

5.10.1. These Guidelines seek to avoid inappropriate development in areas at risk of flooding, avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

## 5.11. **Sligo County Development Plan 2017-2023 – extended to July 2024**

5.11.1. The general planning policies and objectives for County Sligo are outlined in Volume 1 of the Sligo County Development Plan 2017-2023, while more specific local planning policies and objectives are outlined in Volume 2 of the Plan, including the Rosses Point Mini-Plan.

5.11.2. The Development Plan indicates that Rosses Point is placed in the fourth tier of the county settlement hierarchy, where it is identified as a 'village sustaining rural communities', with Rosses Point having a regionally special tourism function.

5.11.3. With regard to tourism, the following policy is noted:

- P-TOU-1 Promote the development of tourism in a sustainable manner and encourage the provision of a comprehensive range of tourism facilities, subject to location, siting and design criteria, the protection of environmentally sensitive areas and other planning considerations.

Development that might be detrimental to scenic and heritage assets, in cSACs, SPAs, proposed NHAs, designated Sensitive Rural Landscapes and Visually Vulnerable Areas, and along designated Scenic Routes will be strictly controlled.

5.11.4. With regard to outdoor recreation policies, the following is noted:

- P-OR-14 Preserve and improve access for the public to lakes, beaches, coastal, riverside, upland and other areas that have traditionally been used for outdoor recreation and subject to compliance with the requirements of the Habitats Directive. Where feasible, apply or support the application of universal design principles, as recommended in Building for everyone – a Universal Design Approach (NDA, 2012).
- P-OR-15 Support the sustainable development of water-based leisure, tourism and related activities in County Sligo, subject to compliance with the requirements of the Habitats Directive.

## 5.12. **Rosses Point Mini-Plan**

5.12.1. The application site is within the identified 'plan limit', but outside the 'development limit' identified on the Zoning Map. The site is in an area designated Green Belt (GB).

5.12.2. GB – Green Belt Objective: Contain and consolidate the settlement, while safeguarding land for its future expansion and for the provision of strategic infrastructure as per policy 1.8 of this chapter. The green belt is to be used principally for agriculture. New roads and buildings should be constructed so as to minimise their visual and environmental impact. Proposals for one-off housing shall only be accommodated in accordance with Policy 1.8.E of this chapter.

5.12.3. Under the Zoning Matrix, provision of a recreational facility/sports club within the GB is 'open to consideration'.

5.12.4. The following Tourism Objectives are identified:

These objectives must be considered in conjunction with the policies and objectives contained in Volume 1 and the general policies for mini-plans contained in Chapter 1 of Volume 2 of this Plan. It is an objective of Sligo County Council to:

#### Natural Heritage and Open Space

- A. Encourage the protection and enhancement of the conservation value of Cummeen Strand / Drumcliff Bay (Sligo Bay) SAC/pNHA and Cummeen Strand SPA.
- B. Encourage improved access to the seashore by providing walkways/open spaces and the enhancing/extending the existing seashore walk (as indicated on the Objectives Map) and by requiring the provision of such links in conjunction with the development of adjoining lands, subject to Habitats Directive Assessment.
- C. Generally retain land between the built-up area and the coastline free from development, in order to ensure that visually vulnerable coastal lands are protected and to assist in the conservation of adjacent designated sites.

#### Tourism

- A. Support the further development and enhancement of existing tourism-generating facilities such as County Sligo Golf Club and Sligo Yacht Club.
- B. Facilitate the enhancement of the caravan park site at the western end of the village. Consideration will also be given to alternative tourism-related activities on this site, subject to appropriate scale, siting, design and Habitats Directive Assessment.
- C. Facilitate the continued development of the existing harbour and associated emergency services, subject to Habitats Directive Assessment.

#### **5.13. Draft Sligo County Development Plan 2024-2030 (13<sup>th</sup> October 2023)**

5.13.1. The Draft Sligo County Development Plan 2024-2030 was put on public display between on 13<sup>th</sup> October 2023 and will be on display until 22<sup>nd</sup> December 2023.

5.13.2. Under the published draft plan, the Sligo RGC Strategic Plan covers Sligo Town and its Environs and the three villages of Ballysadare, Strandhill, and Rosses Point. Rosses Point is identified as a 'village with special coastal tourism functions'.

Chapter 22 comprises the Rosses Point Village Plan and Zoning Map. The area of this application site is designated Green Belt.

5.13.3. The following Village Specific Objectives are noted:

Open space

A. Encourage improved access to the seashore by providing walkways/open spaces and enhancing/extending the existing seashore walk and by requiring the provision of such links in conjunction with the development of adjoining lands.

Tourism

A. Facilitate the enhancement of the caravan park site at the western end of the village. Consideration will also be given to alternative tourism-related activities on this site, subject to appropriate scale, siting and design.

B. Prepare a feasibility study into the redevelopment/repurposing of the former 'Beachery' building into a flagship tourist attraction.

C. Provide a dedicated water sports facility near the beach car park, comprising changing facilities, showers, toilets and secure storage facilities.

5.13.4. The site remains subject to similar provisions as the existing CDP, in that the site remains located within a Green Belt designation. The Draft Plan amends the tourism objectives, and I note in particular tourism point C, which seeks to provide a dedicated water sports facility near the beach car park, comprising changing facilities, showers, toilets and secure storage facilities.

## 6.0 The Natura Impact Statement

6.1. Sligo County Council's application for the proposed development is accompanied by a Natura Impact Statement (NIS) which scientifically examines the proposed development and European sites. The NIS identifies and characterises the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provides information to enable the Board to carry out an appropriate assessment of the proposed works.

6.2. The NIS provides an overview and description of the proposed development and is based on desktop study as well as surveys that were conducted between August

2020 and April 2021 of the Rosses Point area including the site. The surveys conducted included a habitat assessment, observations for birds and mammals, habitat assessment for bats, and a winter bird survey assessment, with specific attention placed on recording birds of special conservation interest (SCI) relating to SPAs within commuting range. The NIS identifies and characterises the potential effects arising from the proposed development (construction activities, operational impacts arising from facilitating water-based activities) and sets out a detailed suite of mitigation measures including the provision of a Construction and Environmental Management Plan (CEMP), ecological signage, grey water management, as well as visitor and litter management. The submitted NIS concludes that subject to adherence to the various mitigation measures proposed that it is not envisioned that the proposed development will give rise to any significant adverse effects on any designated European sites either alone or in combination with other plans or projects.

6.3. The NIS was accompanied by the documents and drawings listed previously above in Section 2.2 of this report.

## **7.0 Consultations**

### **7.1. Prescribed Bodies**

The Council circulated the application to the following bodies:

- The Minister for Department of Housing Local Government and Heritage
- The Minister for the Department of the Environment, Climate and Communications
- The Minister for the Department of Agriculture, Food and the Marine
- An Taisce
- Inland Fisheries Ireland
- Sligo County Council – Planning and Water Services; Chief Fire Officer; Roads Transportation and Infrastructure; Corporate, Human Resources, Climate Action & Environmental Services
- National Parks and Wildlife Service

- The Heritage Council
- Fáilte Ireland
- Waterways Ireland
- Irish Water

One response was received from Failte Ireland, which is summarised hereunder.

## 7.2. **Failte Ireland**

- There is a shortfall in quality and quantity of adequate visitor facilities to support high quality outdoor activities in Ireland.
- In April 2021 Failte Ireland announced 19 million euro investment to develop state of the art facilities for outdoor water based activities, which falls under the Government’s Project Ireland 2040 strategy.
- Failte Ireland is currently developing a Destination Experience Development Plan for Sligo, a key project of which is to develop a coordinated approach to maintaining and improving a sustainable water sports sector in Co. Sligo.
- The proposed development would align with a strategic product development objective of the Wild Atlantic Way Regional Tourism Development Strategy 2023-2027, which in partnership with local authorities seeks to deliver a network of water sports facilities at key beaches and harbours along the Wild Atlantic Way.
- Proposal would be consistent with tourism policies of the Sligo County Development Plan 2017-2023 – extended to July 2024.
- Standardised design approach to all Activity Facility Centres, adapted to suits individual location and site specification, as well as the surrounding environment and landscape.
- The scheme proposes that once constructed the facility will be owned and operated by the Local Authority.
- The Platforms for Growth approach is in line with the VICE Model for Sustainable Tourism Development.

## 7.3. **Public Submissions**

No public submissions received.

## 8.0 EIA Screening

8.1. The proposed development is described as a Facility Centre for Water Sports Activities and includes a building to accommodate showers and toilet facilities, including accessible facilities, at a sea-side location, which is already in use as an amenity area that facilitates water-based activities. The proposed development is not of a development type for the purposes of Part 10 as listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) (“the Regulations”).

## 9.0 Assessment

### 9.1. Introduction

9.1.1. The Board, in making a decision in respect of an application under Section 177AE must consider:

- The likely consequences for the proper planning and sustainable development of the area,
- The likely effects on the environment, and
- The likely significant effects of the proposed development upon a European Site.

The structure of this report follows the above three topics.

This report addresses the above topics, as required, hereunder.

### 9.2. **The likely consequences for the proper planning and sustainable development of the area**

9.2.1. The background to the proposed development is that it forms part of Fáilte Ireland’s “Platforms for Growth” capital investment programme for Local Authorities, designed to support and improve facilities for visitor experience throughout Ireland.

9.2.2. The purpose of the proposed development is to consolidate and improve the existing water-based facilities and amenity offering in the area with the provision of this block of changing/shower and WC facilities. I note this is a popular tourist and local amenity location with an established wide range of water-based activities and amenities. I consider that the proposed development supports and enhances the tourism and leisure potential of the area, while promoting accessibility, and therefore



in my opinion the principle of the proposed development is consistent with the zoning provisions of the plan.

- 9.2.3. The site is highly accessible being located immediately adjacent to an existing car park. The proposed development will be managed by the Local Authority and it will therefore effectively be a public facility that will be open for use by independent visitors as well as those using equipment/engaged in courses being supplied by commercial operators. The ethos of the proposed development is to work with and support existing activities (and commercial operators) while protecting local amenities with the overall goal of providing best in class publicly managed facilities for visitors which will improve accessibility to water-based activities.
- 9.2.4. While environmental matters, biodiversity and protection of designated sites are discussed in further detail below, in summary, I consider that the proposed development is sensitively sited within a managed amenity area that is already catering for a wide range of water-based activities. In this regard, I consider it compliant with the tourism policies of the County Development Plan.
- 9.2.5. In conclusion, I consider that the proposed development complies with the relevant provisions of the CDP, including the provisions of the Rosses Point Mini Plan contained within the Sligo County Development Plan and is consistent with the proper planning and sustainable development of the area, and accordingly I am of the opinion that the proposed development is appropriate in principle at this location.

### 9.3. **The likely effects on the environment**

- 9.3.1. Notwithstanding the development is not of a development type for the purposes of Part 10 as listed in Schedule 5 of the Planning and Development Regulations 2001 (as amended) (“the Regulations”), an EIA screening report has been prepared on behalf of Sligo County Council and accompanies the current application documentation. The submitted screening report considers the potential impacts of the project having regard to the size of the development, its location, as well as the types and characteristics of potential impacts. I note the conclusions of the submitted Screening Report – Preliminary Examination and Screening Determination which states that the environmental impacts of the proposed development are not likely to be significant within the meaning of the EIA Directive.

9.3.2. Having reviewed the application documentation and bearing in mind the small-scale nature of the proposed development, I consider that the proposed development will not give rise to significant environmental impacts, however, the proposal does merit further consideration in relation to biodiversity, visual impact, water services, and flood risk.

#### Biodiversity

9.3.3. It is noted in the submitted documentation that the location of the proposed building is on what is classified as GA2 amenity grassland of short sward with little biodiversity, and on land which is used as an unofficial overflow car park with high levels of anthropogenic activity. I consider the habitats within the site boundary to be of low ecological importance and sensitivity. I note the potential for impacts on the adjoining SAC/SPA and this is discussed in greater detail in Section 10 – Appropriate Assessment.

9.3.4. No annexed birds were recording using the application site and given the level of existing anthropogenic activity in this area, and the quality of the existing habitat, the site is unsuitable for birds related to the SPA, which would not nest, roost or forage at this location and are confined to the tidal/supratidal/intertidal areas of the bay.

9.3.5. In relation to the access to the beach, it is noted that at present visitors access the beach from the car park via existing worn pathways from the existing car park. While there are pathways there, it is noted that people can trample through the SAC. Mitigation measures are proposed to manage existing visitors via new fencing to guide visitors from the car park to the beach via the official beach paths and prevent the use of unofficial paths.

#### Visual Impact

9.3.6. The site is identified in the development plan as being in a ‘visually vulnerable area’. The site is adjacent to an existing public car park, proximate to the shoreline and beach at Rosses Point. There are two buildings proposed, the facility building itself (changing rooms/showers/WCs), and a plant building. The proposed facility building is single storey and relatively small in scale, being c. 114cm in width and 12m deep, with an overall maximum height of 4.2m. The roof is mono-pitched and finished partly with a grass roof with solar panels. The plant building is approximately

triangular in shape, with its longest side being 5.5m and 3.9m, with an overall height of 2.4m.

- 9.3.7. Having regard to the scale and design of the buildings, their location relative to the existing car park, and the generally flat nature of the site, in my opinion the proposed development is sensitively designed, appropriately sited, and can be accommodated within the site without adverse impacts on visual amenities.

#### Water Services and Flood Risk

- 9.3.8. The proposal will be connected to the public water supply and wastewater network.
- 9.3.9. The foul system will be connected to the Ballyweelin Wastewater Treatment Plant and Pumping Station at Rosses Point toilets to the south. It is stated in the submitted documentation that Sligo County Council has confirmed that these systems have capacity.
- 9.3.10. Grey water from the site is proposed to be treated via a new storage system and pumping station at the site, which will connect to a pumping station at the existing Rosses Point toilets. While no plans are submitted of the pumping station, which would be small in nature, it is noted on the site layout plan that it will be fenced off.
- 9.3.11. There are no proposals to discharge directly to ground or surface water during construction or operation.

#### Flood Risk

- 9.3.12. The OPW flood maps indicated the site is not at risk of coastal flooding up to and including the high end future scenario 0.1% AEP or fluvial flooding up to and including the 0.1% AEP.

#### Construction Impacts

- 9.3.13. The application documentation includes a Construction and Environmental Management Plan (CEMP) which sets out a comprehensive suite of mitigation measures detailing construction good-practice and house-keeping which will protect the shoreline and sensitive habitats from inappropriate discharges. Mitigation is set out in relation to dust management, surface water/groundwater/soil contamination control, terrestrial biodiversity protection protocol, invasive species control, noise and vibration control, traffic control, waste management, and chemical and hazardous materials management.

9.3.14. I am satisfied that the implementation of the CEMP mitigation measures will ensure that significant adverse impacts will not arise on any surrounding sensitive habitats.

## 10.0 The likely significant effects on a European site

10.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

### 10.2. Compliance with Articles 6(3) of the EU Habitats Directive:

10.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

### 10.3. The Natura Impact Statement

10.3.1. The application is accompanied by an NIS which describes the proposed development, the project site and the surrounding area. The NIS contains a Stage 1 Screening Assessment which concludes that a Stage 2 Appropriate Assessment is required. The NIS outlines the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicts the potential impacts for these sites and their conservation objectives, it suggests mitigation measures, assesses in-combination effects with other plans and projects and it identifies any residual effects on the European sites and their conservation objectives.

10.3.2. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- A habitat survey of the proposed site and surroundings.

- A winter bird assessment (6 month survey period from October 2020 to March 2021); assessment of habitat suitability for bats; observations of mammals and birds.
- CEMP.

10.3.3. The NIS considers that the main impacts that could be arising from the proposed development on European sites arises from construction interactions, such as habitat loss, disturbance through noise pollution, hydrological interactions through surface water run off, releases/discharges (due to the proximity of the site to the waters) and during the operational phase by introducing disturbance effects to through the users of the facility accessing the beach in inappropriate locations.

10.3.4. The submitted NIS concludes as follows:

Having incorporated mitigation measures, it is concluded that the 'Platform for Growth Shared Communities Facilities' at Rosses Point is not foreseen to given rise to any significant adverse effects on designated European sites alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats and species, for which these sites have been designated.

10.3.5. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

#### 10.4. **Appropriate Assessment Screening**

10.4.1. Section 177AE sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening

process. Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

- 10.4.2. The submitted NIS carried out by CAAS Ltd. on behalf of Sligo County Council includes an AA Screening, which concludes for the proposed project that it is not directly connected with or necessary to the management of any European site and may if unmitigated have significant adverse effects on 2 (no.) European sites, therefore a Stage 2 AA is required for the proposed project.
- 10.4.3. It can be concluded on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on European sites could not be ruled out and therefore an Appropriate Assessment was required. There is potential for the proposed development to significantly impact the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) and Cummeen Strand SPA (004035) as a result of habitat loss, disturbance through noise pollution, hydrological interactions through surface water run-off, releases/discharges (due to the proximity of the site to the waters/SPA edge) and during the operational phase by introducing disturbance effects through the users of the site accessing the beach in inappropriate locations.

Appropriate Assessment Screening Determination

- 10.4.4. I consider that the proposed development of the Platform for Growth – Shared Community Facilities at Rosses Point and all associated works is not directly connected with or necessary to the management of any European site.
- 10.4.5. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

**Table 1:** European sites considered for Stage 1 Screening

European Site (SAC/SPA)	Qualifying Interests	Distance

<p>Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627)</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>	<p>Adjacent (c.3m at its closest point to the site boundary)</p>
<p>Cummeen Strand SPA (004035)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p>	<p>460m southwest/south</p>

	<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	
Drumcliff Bay SPA (004013)	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	1.16km north
Ballintemple and Ballygilgan SPA (004234)	<p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p>	3.49km northwest
Ballysadare Bay SPA (004129)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	5.33km southwest
Ballysadare Bay SAC (000622)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	5.45km southwest



	<p>Humid dune slacks [2190]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	
Ardbloine Island and Horse Island SPA (004135)	<p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Barnacle Goose (Branta leucopsis) [A045]</p>	7.47km – off the coast to the northwest
Lough Gill SAC (001976)	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	7.49km southeast

Streedagh Point SAC (001680)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p>	9.32km north
Unshin River SAC (001898)	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Salmo salar (Salmon) [1106]</p>	11.22km

	Lutra lutra (Otter) [1355]	
Ben Bulbin, Gleniff and Glenade Complex SAC (00623)	<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Juniperus communis formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae</p>	12.01km

	<p>and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) [8120]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
Union Wood SAC (000638)	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	12.16km
Sligo/Leitrim Upland SPA (004187)	<p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Chough (<i>Pyrhocorax pyrrhocorax</i>) [A346]</p>	12.3km
Bunduff Lough and Machair/Trawalua/Mullaghmore SAC (000625)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-</i></p>	12.66km

	Brometalia) (* important orchid sites) [6210] Alkaline fens [7230] Euphydrias aurinia (Marsh Fritillary) [1065] Petalophyllum ralfsii (Petalwort) [1395]	
Aughris Head SPA (004133)	Kittiwake (Rissa tridactyla) [A188]	13.06km
Innismurray SPA (004068)	Shag (Phalacrocorax aristotelis) [A018] Barnacle Goose (Branta leucopsis) [A045] Herring Gull (Larus argentatus) [A184] Arctic Tern (Sterna paradisaea) [A194]	14.28km

10.4.6. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for two of the European sites referred to above.

- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627)
- Cummeen Strand SPA (004035)

10.4.7. Having reviewed the project and application details, I consider that there is potential for effects to arise at these European sites due to the proximity of the site to the SAC which giving rise to the presence of hydrological pathways for effects during construction and operational periods and for potential impacts on the adjoining habitat, from visitors who must pass through protected habitat to get to the beach. Potential impacts in relation to the SPA relate to disturbance (from construction and operational phases of the proposed development) on roosting/foraging habitats in the vicinity of the site. Accordingly, I consider it appropriate to screen-in potential

impacts on the Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the SAC and SPA.

10.4.8. The remaining sites can be screened out from further assessment because of the scale and character of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No.'s: 004013, 004234, 004129, 000622, 004135, 001976, 001680, 001898, 000623, 000638, 004187, 000625, 004133, and 004068, in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

10.4.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### 10.5. **Stage II Appropriate Assessment**

10.5.1. The following is an objective scientific assessment of the implications of the proposal on the relevant conservation objectives of the European sites identified as having the potential to be affected by the proposed development using the best scientific knowledge (provided in the NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

### **Relevant European Sites:**

10.5.2. The Conservation Objectives and Qualifying Interests for the relevant sites, are set out in table 1 above and also hereunder.

### **Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC**

10.5.3. This large coastal site extends from Cullamore in the north-west to Killaspug in the south-west, and from Sligo town in the south-east to Drumcliff village in the north-east. It encompasses two large, shallow bays, Drumcliff Bay and Sligo Harbour, and both Ardboline and Horse Island. Sand dunes and sand hills at Rosses Point, Killaspug, Yellow Strand and Coney Island are included, as are grasslands at Ballintemple and Ballygilgan (Lissadell), along with a variety of other habitats such as woodland, saltmarsh, sandy beaches, boulder beaches, shingle, fen, freshwater marshes, rocky sea cliffs and lakes. The dominant habitats on the site are estuaries and intertidal sand and mud flats. Both Drumcliff Bay and Cummeen Strand are important for the large numbers of waterfowl which use them in autumn/winter. Drumcliff Bay is important for the presence of a breeding population of Common Seal.

### **Conservation Objectives**

10.5.4. The conservation objective and QIs related to Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, as per the NPWS website, are as follows:

- 1130 Estuaries: To maintain the favourable conservation condition of Estuaries in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets.
- 1140 Mudflats and sandflats not covered by seawater at low tide: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets (npws.ie)
- 2110 Embryonic shifting dunes: To maintain the favourable conservation condition of Embryonic shifting dunes in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by the attributes and targets (npws.ie)
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes): To restore the favourable conservation condition of Shifting dunes along the

shoreline with *Ammophila arenaria* ('white dunes') in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets (as listed on the npws.ie website).

- 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes): To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation ('grey dunes') in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by the attributes and targets (as listed on the npws.ie website).
- 5130 *Juniperus communis* formations on heaths or calcareous grasslands: To restore the favourable conservation condition of *Juniperus communis* formations on heaths or calcareous grasslands in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by the attributes and targets (as listed on the npws.ie website).
- 7220 Petrifying springs with tufa formation (Cratoneurion): To maintain the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion) in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets (as listed on the npws.ie website).
- 1014 Marsh Snail *Vertigo angustior*: To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by the attributes and targets (as listed on the npws.ie website).
- 1095 Sea Lamprey *Petromyzon marinus*: To restore the favourable conservation condition of Sea Lamprey in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets (as listed on the npws.ie website).
- 1099 River Lamprey *Lampetra fluviatilis*: To maintain the favourable conservation condition of River Lamprey in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by attributes and targets (as listed on the npws.ie website).
- 1365 Harbour seal *Phoca vitulina*: To maintain the favourable conservation condition of Harbour Seal in Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, which is defined by the attributes and targets (as listed on the npws.ie website).

10.5.5. The maps which accompanied the Conservation Objectives for the SAC do not identify the application site as containing any of the habitats listed for special interest, which was confirmed by the habitat assessment undertaken of the site.



There are no Annex I habitats or supporting habitats for Annex II species within the footprint of the development.

10.5.6. I note at the outset that the submitted NIS states the proposed development is within the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, however in the Screening Assessment it is stated that the proposed development is adjacent to the SAC. I have reviewed the NPWS website and all submitted maps and drawings and I am satisfied that the application site is located adjacent to, and not within, the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC. The survey work includes the wider Rosses Point area in addition to the footprint of the application site.

10.5.7. The proposed development in the absence of appropriate mitigation and management could give rise to the following effects:

10.5.8. Potential Direct Effects

- Loss/Reduction of habitat area arising from poor project design/site construction.
- Potential operational impacts on habitat loss arising from visitor movements and activities causing destruction and disturbance to habitats.
- Habitat/Species fragmentation arising from habitat loss, construction activities, and/or light pollution.
- Operational and construction activities can create disturbance to key species through noise, and human activity/movement.

10.5.9. Potential Indirect Effects

- Notwithstanding the small scale of the proposed development the primary indirect effect that could arise is the potential adverse impact on water quality in the SAC associated with pollution that could arise from both construction and operational stages.
- Inappropriate drainage measures (grey and foul water) would give rise to potential pollution concerns.
- Inappropriate visitor management could also give rise to indirect pollution concerns.

10.5.10. Potential In-Combination Effects

- In-combination effects could arise from interactions with extant or permitted developments and/or from other plans or programmes pertaining to the area. The NIS lists the Sligo County Development Plan 2017-2023 and Rosses Point Mini-Plan 2017-2023 as plans with the potential to interact with the proposed development. Both these plans have been subject to Strategic Environmental Assessment (SEA) and Natura Impact Reports and the submitted NIS considers that there will be no in-combination effects arising with the relevant plans and programmes. I broadly agree with this conclusion and note that the current development proposal is consistent with the requirements of the County Development plan, RSES and NPF.
- The submitted NIS listed a number of planning applications in the vicinity of the proposed development. Permissions for projects in the vicinity are subject to the rigours of the planning system and the relevant policies and objectives of the CDP which provide for protection of environmentally sensitive locations and designated sites, accordingly in-combination effects should not arise.

#### 10.5.11. Mitigation Measures

The siting of the proposed development and associated works have avoided environmentally sensitive areas and all proposed works are being carried out in/on habitats that are classified as Amenity Grassland (GA2). The proposed development will not therefore result in the loss of any Annex I habitat within the SAC. Mitigation by design ensures that there will be no direct loss, or fragmentation of habitat which forms part of the QIs of the SAC and SPA.

The following mitigation measures are set out within Section 5 of the submitted NIS:

- The construction compound and associated works will be located outside of the European site boundary and on amenity grassland with no direct hydrological connectivity to European sites.
- A CEMP (a copy of which is included within the application documentation; Section 5 of the CEMP provides a detailed list of environmental mitigation measures proposed) must be implemented and include detailed control measures including, bunding, dust control measures, surface water runoff controls and silt fencing, construction phase lighting to be controlled to minimise light pollution, and noise management protocols.

- Signage to highlight the key ecological resources in the area and activities which are prohibited.
- Visitor Management Plan focusing on two elements (a) commercial operators using the facility must uphold an environmental code of conduct to agree to usher participants away from the ecologically resources of the site (including roosting areas and dunes) and the key foraging areas must be incorporated to ensure no operators use the far shoreline for activities such as SUPing or kayaking etc, and (b) general public management practices to control visitor movements across the soft habitats to utilise existing pathways and infrastructure, and use of signage for public education.
- Greywater Management Plan to manage all surface water run-off from the site.
- Litter Management Plan to be operated by the County Council.
- Fencing to ensure visitors do not encroach onto the protected dune habitats.

10.5.12. I consider that the proposed mitigation measures as articulated in the NIS and detailed in the submitted CEMP are appropriate to the risks that have been identified and if implemented correctly will be sufficient to avoid significant effects arising and will exclude adverse effects on the integrity of the SAC.

10.5.13. Residual Effects/Further Analysis

Having considered the design of the proposed development, its scale, location and current use, as well as the detailed mitigation measures and conditions recommended to be provided in the event of favourable consideration, I am satisfied that there will be no residual impacts associated with the proposed development.

10.5.14. NIS Omissions

None noted.

10.5.15. Suggested Related Conditions.

A condition requiring a complete and final CEMP and Visitor Management Plan, as well as details of greywater management, should be included to ensure the undertaking and monitoring of works in line with the stated mitigation measures.

**Cummeen Strand SPA (004035)**

10.5.16. Cummeen Strand is a large shallow bay stretching from Sligo Town westwards to Coney Island. It is one of three estuarine bays within Sligo Bay and is

situated between Drumcliff Bay to the north and Ballysadare Bay to the south. The Garavogue River flows into the bay and forms a permanent channel. At low tide, extensive sand and mud flats are exposed. These support a diverse macro-invertebrate fauna which provides the main food supply for the wintering waterfowl. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Light-bellied Brent Goose, Oystercatcher and Redshank. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

10.5.17. The conservation objectives and QIs/SCIs related to Cummeen Strand SPA (004035), as per the NPWS website, are as follows:

- A046 Brent Goose *Branta bernicla hrota*: To maintain the favourable conservation condition of Light-bellied Brent Goose in Cummeen Strand SPA, which is defined by attributes and targets (as listed on the npws.ie website).
- A130 Oystercatcher *Haematopus ostralegus*: To maintain the favourable conservation condition of Oystercatcher in Cummeen Strand SPA, which is defined by the attributes and targets (as listed on the npws.ie website).
- A162 Redshank *Tringa tetanus*: To maintain the favourable conservation condition of Redshank in Cummeen Strand SPA, which is defined by attributes and targets (as listed on the npws.ie website).
- A999 Wetlands: To maintain the favourable conservation condition of wetland habitat in Cummeen Strand SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by an attribute and target (as listed on the npws.ie website).

10.5.18. The proposal will not directly impact on the foraging and roosting areas of the nearby SPA. Frequent but small-scale foraging was observed in the vicinity of the proposed facilities site, however, the habitat of the site itself is not suitable for foraging and roosting of the species associated with the SPA.

10.5.19. The main aspects of the proposed development that could adversely affect the conservation objectives of the SPA include: disturbance to the SPA as a result of visitors to, or operators using, the proposed development not being appropriately

managed and regulated with regard to their leisure and amenity activities; disturbance due to construction noise and dust; construction and operational phase surface water run-off.

10.5.20. The proposed development in the absence of appropriate mitigation and management could give rise to the following effects:

10.5.21. Potential Direct Effects

- Operational and construction activities can create disturbance to key species through noise, and human activity/movement.

10.5.22. Potential Indirect Effects

- Notwithstanding the small scale of the proposed development the primary indirect effect that could arise is the potential adverse impact on water quality associated with pollution that could arise from both construction and operational stages.
- Inappropriate drainage measures (grey and foul water) would give rise to potential pollution concerns.
- Inappropriate visitor management could also give rise to indirect pollution concerns.

10.5.23. Potential In-Combination Effects

- In-combination effects could arise from interactions with extant or permitted developments and/or from other plans or programmes pertaining to the area. The NIS lists the Sligo County Development Plan 2017-2023 and Rosses Point Mini-Plan 2017-2023 as plans with the potential to interact with the proposed development. Both these plans have been subject to Strategic Environmental Assessment (SEA) and Natura Impact Reports and the submitted NIS considers that there will be no in-combination effects arising with the relevant plans and programmes. I broadly agree with this conclusion and note that the current development proposal is consistent with the requirements of the County Development plan, RSES and NPF.
- The submitted NIS listed a number of planning applications in the vicinity of the proposed development. Permissions for projects in the vicinity are subject to the rigours of the planning system and the relevant policies and objectives of the CDP

which provide for protection of environmentally sensitive locations and designated sites, accordingly in-combination effects should not arise.

#### 10.5.24. Mitigation Measures

Mitigation measures are set out within Section 5 of the submitted NIS, and the following are of particular note:

- A CEMP (a copy of which is included within the application documentation; Section 5 of the CEMP provides a detailed list of environmental mitigation measures proposed) must be implemented and include detailed control measures including, bunding, dust control measures, surface water runoff controls and silt fencing, construction phase lighting to be controlled to minimise light pollution, and noise management protocols.
- Signage to highlight the key ecological resources in the area and activities which are prohibited.
- Visitor Management Plan focusing on two elements (a) commercial operators using the facility must uphold an environmental code of conduct to agree to usher participants away from the ecologically resources of the site (including roosting areas and dunes) and the key foraging areas must be incorporated to ensure no operators use the far shoreline for activities such as SUPing or kayaking etc, and (b) general public management practices to control visitor movements across the soft habitats to utilise existing pathways and infrastructure, and use of signage for public education.
- Greywater Management Plan to manage all surface water run-off from the site.
- Litter Management Plan to be operated by the County Council.

10.5.25. I consider that the proposed mitigation measures as articulated in the NIS and detailed in the submitted CEMP are appropriate to the risks that have been identified and if implemented correctly will be sufficient to avoid significant effects arising and will exclude adverse effects on the integrity of the SPA.

#### 10.5.26. Residual Effects/Further Analysis

Having considered the design of the proposed development, its scale, location and current use, as well as the detailed mitigation measures and conditions

recommended to be provided in the event of favourable consideration, I am satisfied that there will be no residual impacts associated with the proposed development.

10.5.27. NIS Omissions

None noted.

10.5.28. Suggested Related Conditions.

A condition requiring a complete and final CEMP and Visitor Management Plan, as well as details of greywater management, should be included to ensure the undertaking and monitoring of works in line with the stated mitigation measures.

**10.6. Appropriate Assessment Conclusions**

10.6.1. Having carried out screening for Appropriate Assessment of the project, I concluded that there was potential for the project to affect the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) and Cummeen Strand SPA (004035). Accordingly, an Appropriate Assessment was required of the implications of the project on the qualifying interests of the SAC and SPA in light of their conservation objectives.

10.6.2. Following examination and review of all the material submitted within the planning application and on review of the submitted NIS, I am satisfied that the applicant has considered all the elements/features that could be affected in relation to the conservation objectives of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (000627) and Cummeen Strand SPA (004035) and the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the SAC and SPA (subject to the implementation of mitigation measures outlined above).

10.6.3. On the basis of the above I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of European site no. 000627 (Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC) and European site no. 004035 (Cummeen Strand SPA), in view of their Conservation Objectives.

## 11.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

### Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Cummeen Strand SPA (site code:004035) and the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 000627),
- (e) the policies and objectives of the Sligo County Development Plan, 2017-2023 and the Rosses Point Mini-Plan, 2017-2023,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

### Appropriate Assessment:



The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cummeen Strand SPA (site code: 004035) and the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 000627), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Cummeen Strand SPA (site code: 004035) and the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 000627), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

## **Proper Planning and Sustainable Development/Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or Construction and Environment Management Plan or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 5 of the Natura Impact Statement, shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment, the protection of European Sites and in the interest of public health

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement as well as incorporating all control measures set out in the submitted CEMP and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
  - (a) All mitigation measures indicated in the Natura Impact Statement.
  - (b) All control measures set out in the CEMP submitted with the application proposals.
  - (c) Location of construction compound.
  - (d) Hours of construction, and lights-out times during construction.
  - (e) Details of grey water management.
  - (f) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

**Reason:** In the interest of protecting the environment and in the interest of public health.

4. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the submitted Natura Impact Statement, Construction and Environmental

Management Plan and conditions here stated. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

6. (a) A landscaping scheme generally in accordance with layout plans received shall be submitted to the file for public record. The landscaping scheme shall specify the nature and type of planting proposed and will consist of indigenous species. The planting shall be carried out in accordance with the landscaping scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species.

**Reason:** In the interest of visual amenity

7. Prior to commencement of development a Visitor Management Plan shall be prepared, generally in accordance with the commitments regarding same set out in the submitted Natura Impact Statement. A copy of the Visitor Management Plan will be attached to the file and retained as part of the public record. Upon opening of the facility here permitted the Visitor Management Plan will be implemented and will be subject to annual review prior to the commencement of each summer season to ensure new operators using the facility are identified and any updates to protection measures or guidance in relation to key ecological receptors are provided as necessary.

**Reason:** In the interests of nature conservation, protecting the environment and the proper planning and sustainable development of the area.

8. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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Una O'Neill  
Senior Planning Inspector  
28<sup>th</sup> December 2023

## Appendix 1

### Form 1 EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-317534-23</b>		
<b>Proposed Development Summary</b>	Proposed development of a facility for water sports activities, requisite external works including provision of access ramps and steps, and all ancillary services at Rosses Point, Co. Sligo		
<b>Development Address</b>	Rosses Point, Co. Sligo		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>		
	<b>No</b>	✓	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>Conclusion</b>			
<b>No</b>	✓	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>			

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>